

**Minutes of the 414th Regular Meeting  
June 29, 1998  
U.S. Court of Appeals Building  
125 South Grand Avenue, Pasadena**

**INTRODUCTION**

1. The meeting was called to order by Chairman Slezak at 9:03 a.m.

**Board Members Present**

Jack Coe, Charles Milam, Hamid Nahai, Beth Rogers, John Slezak, Marilyn Lyon

**Board Members Absent**

Charlotte Craven, Mike Keston

**Staff Present**

Dennis Dickerson, Catherine Tyrrell, Jorge Leon, Robyn Shipley, Dennis Dasker, James Kuykendall, Deborah Smith, Wendy Phillips, Jon Bishop

**Others resent**

Mary Jane Forster, SWRCB  
Julian Blomley, self  
Steve Fleishli, Heal the Bay  
Resources  
Jane Bray, Consultant  
Royall Brown, Coalition of West Covina  
Homeowners  
Daniel Romano, Law Offices  
Jacqueline Lambrichts, Friends of the Los  
Angeles River  
Ora Lampman, City of Burbank  
Breny Berggreu, City of Los Angeles  
Brian Hooper, Los Angeles County  
Department of Public Works  
Peter Gutierrez, Los Angeles County  
Department of Public Works  
Susan Chang, City of Los Angeles  
Margie Nellor, Los Angeles County  
Sanitation District  
Bob Horvath, Los Angeles County Sanitation  
District  
Leonard Shapiro, City of Los Angeles

Lucia McGovern, West Basin MWD  
Jacque Gamble, LVMWD  
Robyn Stuber, USEPA  
P.G. Thyamayudi, City of Burbank  
C. Amador, Santa Monica BAYKeeper  
Hazel Scotto, LWV, Downey  
Bruce Feng, City of Burbank  
George Muse, Jr., MWD of SC  
Marilyn Levin, Attorney General's Office  
Dorothy Green, LA/SG Watershed Council

## **Pledge of Allegiance.**

### **1. Roll Call.**

*A roll call was taken with all members present except Charlotte Craven and Mike Keston.*

### **2. Order of Agenda.**

*The Executive Officer recommended the following changes to the agenda:*

- ◆ *Item 4 (Resolution of Appreciation for Past Board Member Boyd Condie) be heard at approximately 11:30 a.m. when Mr. Condie arrives.*
- ◆ *Remove contested item 9.1 (Ventura County Flood Control District - Debris and Detention Basin Maintenance) and continue until a future meeting.*
- ◆ *Remove uncontested item 9.2 (The Estate of Albert Levinson dba Brea Canon Oil Company - Dominguez Hills and Wilmington Oil Fields) and continue until a future meeting.*
- ◆ *Place item 7.4 (Los Angeles Zoo Department) on the contested calendar.*
- ◆ *Place item 7.5 (Kaiser Marquardt, Inc.) on the contested calendar.*

**MOTION:** By Mr. Coe, seconded by Mr. Milam, and approved on a voice vote.

### **3. Approval of Regular Meeting Minutes of May 18, 1998 and the Special Board Meeting of June 15, 1998.**

*A motion was made to adopt the regular meeting minutes of May 18 and amend as follows:*

- *Item 5 (Public Forum) - Modify language to show that Ojai Valley Sanitation District appeared before the Board regarding their damaged sewage lines and the attempts made to repair them.*
- *Item 12 (SRF Loan Program Priority List) - Add language to show that Mr. Slezak did not participate on this item and abstained from voting.*

**MOTION:** By Mr. Coe, seconded by Mr. Milam and approved on a voice vote.

*A motion was made to adopt the regular meeting minutes of June 15 and amend as follows:*

- *Revote of Item 7 - (SRF Loan Program Priority List) - Add language to show that Mr. Slezak did not participate on this item and abstained from voting.*
- *Item 5.1 - 5.3 - Add date of regular board meeting that the hearing would be reopened.*

**MOTION:** By Mr. Nahai, seconded by Mr. Milam, and approved on a voice vote.

5. Uncontested Items Calendar.

**NPDES PERMITS**

**Renewal**

- 7.3 City of Pasadena Water and Power Department (Power Plant), CA0063355
- 7.6 Broadway Southern California, CA0057720
- 7.7 Los Angeles Teachers Credit Union, CA0059919
- 7.8 Metropolitan Water District of Southern California (Greg Avenue Power Plant), CA0063835

**NON-NPDES PERMITS**

**Rescission**

- 9.3 Catalina Cove and Camp Agency - Doug Bombard Enterprises (Two Harbor Landfill), 72-031
- 9.4 Chevron Products Company (Former Chevron Station #9-7748), 48-025
- 9.5 Port of Los Angeles (Berths 212-214), 89-099

*It was recommended that uncontested items 73, 7.6 - 7.8, 9.3 - 9.5 be adopted.*

MOTION: By Coe, seconded by Mr. Milam, and approved on a voice vote.

**PUBLIC FORUM**

6. Public Forum.

*Julian Blomley addressed the Board thanking them for implementing his suggestion months back to have an agenda package available for public review. He suggested that the draft minutes be available for public review prior to the Board adopting them.*

*Royall Brown addressed the Board expressing his concerns with the tentative WDR permit for BKK Landfill Corporation. He asked that the Board issue an enforcement action to BKK due to their failure to comply with the regulations set forth within the permit.*

*Daniel Ramano addressed the Board giving them a status update of the 1800 Rosecrans Partners Prospective Purchaser Agreement (PPA) which will be heard before the Board at a future regular board meeting.*

**CONTESTED ITEMS**

7.1 Boeing North American Inc. (Santa Susana Field Laboratory)

*Chairman Slezak recused himself from participating and voting on this item. In the Vice Chairperson's absence, Mr. Coe served as Chair to conduct the hearing. The Executive Assistant read the opening statement and Mr. Coe opened the public hearing for all contested items being heard. Staff member Dennis Dasker gave a presentation to the Board recommending the adoption of contested permits 7.1, 7.2, and 7.4. A change sheet was submitted for item 7.1.*

*Steve Fleishli, Heal the Bay, gave a presentation to the Board sharing the environmental groups' concerns with the permit. He suggested that this permit and other various major*

*permits be revised to include a provision for Biological Monitoring Requirements; and require dischargers to collect the technical data rather than regional board staff.*

*Jacqueline Lambrichts, Friends of the Los Angeles River, gave a presentation to the Board asking that they revise the permit by modifying the time required to develop the SWPP Plan from 180 days to 90 days. She also shared her concerns regarding analytical data submitted for NPDES compliance in general.*

*After discussion of the Board and responses from staff, a motion was made to adopt the permit as recommended by staff.*

MOTION: By Ms. Rogers, seconded by Mr. Nahai, and approved on a voice vote. Mr. Slezak abstained from voting.

#### **7.2 City of Burbank, Public Works Department (Burbank Water Reclamation Plant and Steam Power Plant)**

*Staff member Dennis Dasker gave a presentation to the Board recommending the adoption of the contested permit with the modifications as noted in the change sheet, which includes amending the effective date of the Order from 10 days to 77 days. He informed the Board that staff would bring the Time Schedule Order to the Board for adoption at the September 14, 1998 regular board meeting.*

*Ora Lampman, City of Burbank, gave a presentation to the Board asking the Board to adopt the permit with the recommended changes.*

*Jacqueline Lambrichts, Friends of the Los Angeles River, gave a presentation to the Board asking them to modify the permit to include requiring the City to conduct the Chronic Toxicity Test on its' effluent limits.*

*Steve Fleishli, Heal the Bay, gave a presentation to the Board asking them to consider the TMDL requirements when adopting this permit.*

*After discussion of the Board and response by staff, a motion was made to adopt the permit (including change sheet) as recommended by staff and include the following language to Finding 19: "which may be adopted by the Regional Board by June 14, 2002".*

MOTION: By Ms. Rogers, seconded by Mr. Milam, and approved on a voice vote.

#### **7.4 Los Angeles Zoo Department**

*Staff member Dennis Dasker gave a presentation to the Board recommending the adoption of the contested permit.*

*Barry Burgman, City of Los Angeles, gave a presentation to the Board supporting staff's recommendation. He informed the Board that concerns have been expressed by*

*interested parties that no coliform limits have been set for the permit. He indicated that the*

*reason for this is due to the facilities care of 1,200 various animals.*

*Jacqueline Lambrichts gave a presentation to the Board sharing her concerns that no limits have been set for coliform discharges to the Los Angeles River.*

*Steve Fleishli gave a presentation to the Board also sharing his concerns regarding the lack of coliform limit requirements.*

*After discussion of the Board, a motion was made to adopt the tentative permit as recommended by staff.*

MOTION: By Ms. Rogers, seconded by Mr. Milam, and approved on a voice vote.

7.5 Kaiser Marquardt, Inc.

*Staff member Dennis Dasker gave a presentation to the Board recommending the adoption of the contested permit.*

*Jacqueline Lambrichts gave a presentation to the Board informing them that no deadline has been set for the discharger to submit the SWPP plan. She suggests the permit include a 90 day timeframe.*

*After discussion of the Board, a motion was made to adopt the tentative permit as recommended by staff.*

MOTION: By Mr. Nahai, seconded by Ms. Rogers, and adopted on a voice vote.

11. Los Angeles and San Gabriel Rivers Watershed Council Presentation

Chairman Slezak recommended this item be heard immediately following item 7.5.

*Dennis Dickerson gave introductory remarks and introduced Dorothy Greene, President of the Council.*

*Ms. Greene gave a presentation to the Board briefing them on the vision statement and current activities of the Watershed Council. She indicated that the Council would like to have the Board adopt a resolution in support of the Council's vision statement and efforts sometime in the near future. On behalf of the Council, Ms. Greene thanked staff member Ana Corado for her tremendous efforts and contributions.*

*The Board directed staff to continue working with the Watershed Council and asked staff to bring the Resolution for adoption at a future board meeting (preferably September or November 1998).*

10. Administrative Civil Liability (ACL) Complaint Against the County of Los Angeles Department of Public Works.

*The Executive Assistant read the opening statement and the Chairman opened the public hearing to receive evidence concerning this item for a raw sewage spill that occurred on October 25, 1997. Staff member Wendy Phillips gave a presentation*

*to the Board asking them to affirm, modify or rescind the ACL. She urged the Board that, if affirmed, they consider allowing the assessed penalty fee to be used towards a Septics Policy Supplemental Project.*

*Dennis Dickerson urged the Board to affirm the ACL stating that the spill could have been avoided and the County did not respond appropriately and in a timely manner.*

*Steve Fleishli gave a presentation to the Board asking them to affirm the ACL recommended by staff and supported staff's recommended for the use of the penalty.*

*Jacqueline Lambrichts gave a presentation to the Board expressing that the Friends of the Los Angeles River are fully supportive of staff's recommendations and urged the Board to affirm the ACL.*

*Peter Guterrez, County of Los Angeles Department of Public Works gave a presentation to the Board urging them to reassess the penalty from \$123,000 to \$10,000.*

*Brian Hooper, County of Los Angeles Department of Public Works gave a presentation to the Board also urging them to reassess the penalty from \$123,000 to \$10,000.*

*The public hearing was closed. After discussion of the Board, a motion was made to make a finding that the amount of the spill as at least 13,000 gallons.*

MOTION: By Ms. Rogers, seconded by Ms. Lyon and approved on a voice vote.

*Another motion was made to affirm the ACL as recommended by staff, reassess the penalty from \$123,000 to \$81,000, use the penalty fee as a Septics Policy Supplemental Project, and if the assessed penalty fee is not paid by the deadline,*  
a *new penalty fee totalling \$100,000 will be issued to the County.*

MOTION: By Ms. Rogers, seconded by Mr. Milam and approved on a voice vote.

- 8.1 General Waste Discharge Requirements and NPDES Permit for Discharge of Nonprocess Wastewaters (not Requiring Treatment Systems) to Surface Waters in the Coastal Watersheds of Los Angeles and Ventura Counties.

*Dennis Dickerson stated that this item was not being contested, and based on the interest of time, asked the Board to consider adopting the general permit without having the staff presentation. A motion was made to adopt the general permit as recommended by staff.*

MOTION: By Ms. Rogers, seconded by Mr. Nahai, and approved on a voice vote.

15. Closed Session.

The Board paused the meeting for a closed session to discuss pending litigation matters.

12. Board Member Communications.

*No report was given for this item.*

13. Report of Cost Benefit Task Committee.

*No report was given for this item.*

14. Executive Officer's Report.

*The written Executive Officer's report was distributed prior to the meeting.*

16. Adjournment at 4:30 p.m. to the Regular Board meeting of August 3, 1998 at 9:00 a.m., City of Camarillo, Council Chambers, 601 Carmen Drive, Camarillo.

By Ms. Lyon, seconded by Mr. Milam and approved on a voice vote.